

Answers to Frequently Asked Questions

Texas · Natural · Resource · Conservation · Commission

The FY 97 Generation Fees

What Is the FY 97 Generation Fee, and What Is It Based on?

The FY 97 generation fee is an annual fee that is based on the amount of hazardous waste (HWG) and Class 1 industrial waste (NWG) that your business generated during the 1995 calendar year. This fee may not be less than \$50—the minimum base fee. We use your Annual Waste Summary Report to calculate your fee.

What Is FY 97?

“FY” represents the Texas Natural Resource Conservation Commission’s fiscal year, so FY 97 is September 1, 1996, through August 31, 1997. We actually based the generation fee on the amount of waste you generated from January 1 through December 31, 1995, since that calendar year corresponds to the last full year of reports that were on file when we calculated your fee.

Who Is a Generator?

As stated in the rules, a generator is any person whose act or process produces industrial solid waste or hazardous waste or whose act first causes an industrial solid waste or a hazardous waste to become subject to regulation by the commission.

When Is This Fee Due?

The fee is due 30 days after the invoice date printed on your annual bill. You generally can expect to receive the annual bill from the TNRCC in the fall of the year.

How Is the Fee Amount Determined?

Your fee is determined from a schedule found in 30 Texas Administrative Code (TAC), Section 335.323, Paragraph (f), and information found in Paragraph (a) of the same section. The way your fee is determined is summarized below.

Base Fee – \$50—assessed to each generator who is required to register

1. Hazardous Waste

<u>Waste Reported (tons)</u>	<u>Annual Fee</u>
Less than 1 ton	Base fee
1 through 50 tons	\$100
Greater than 50 tons	\$2.00 per ton, not to exceed \$50,000

2. Industrial Class 1 Waste

<u>Waste Reported (tons)</u>	<u>Annual Fee</u>
100 tons or less	Base fee
Greater than 100 tons	\$0.50 per ton, not to exceed \$10,000

What Is the Minimum Fee?

According to 30 TAC Section 335.323, Paragraph (a), and Section 361.134 of the Texas Health and Safety Code, the annual generation fee may not be less than \$50.

What Is the Maximum Fee?

For hazardous waste, the maximum fee is \$50,000. For nonhazardous waste, the maximum fee is \$10,000.

What if I Think the Fee Assessment Is Incorrect?

All claims of exemption from or adjustment to the assessment of a fee must be made in writing prior to the due date. If you call us but do not write us, there is no guarantee that your claim will be processed. In your correspondence, please provide your account name and number and a description of the suspected error. If we do not receive written notification by the due date, late fees will be assessed. Prompt payment must be made for any part of the bill not in dispute. Dispute of a portion of the bill does not delay the due date of the total bill. (30 TAC, Section 335.323, Paragraph (f))

What if the Facility Has Been Closed or Sold?

The generation fee is based on actual 1995 calendar year waste generation data rather than estimates of future generation. If your

company operated the facility during any part of the calendar year of January 1 through December 31, 1995, your company is responsible for this fee, even if the facility was later closed. If you sold this facility prior to January 1, 1995, please send documentation, including the date of sale and the new owner's name and address, so we can bill the correct company.

Will Late Fees Be Assessed?

Yes, late fees will be assessed on all FY 97 generation fee invoices that are not paid by the due date. To avoid late penalties, you must submit payment for all undisputed fees and a written request for exemption or adjustment by the due date. Prompt payment must be made for any part of the invoice not in dispute. (30 TAC, Section 335.331)

What if My Wastes Are Recycled?

Wastes that are recycled are exempt from any generation fee; this exemption should have been claimed on the 1995 Annual Waste Summary Report. However, if the exemption was not claimed, please send documentation in writing before the due date and include the waste codes, method of recycling, where it is recycled, etc. If the exemption is approved, your account will be adjusted accordingly. (30 TAC, Section 335.323, Paragraph (d))

What if Wastewaters Are Neutralized?

Wastewaters that are hazardous solely because they exhibit hazardous characteristics may be exempt from the hazardous waste generation fee. **These wastes must be treated on-site in totally enclosed treatment facilities.** Class 1 wastewaters that are treated in totally enclosed treatment facilities that are exempt from permitting requirements and therefore no longer meet the criteria for a Class 1 waste are exempt from generation fees. This exemption should be claimed on the 1995 Annual Waste Summary Report. If the exemption was not claimed, please send documentation stating which waste codes are neutralized and pay the undisputed fee amount. If the exemption is approved, your account will be adjusted accordingly. (30 TAC, Section 335.323, Paragraph (b), Items (1)-(2))

Are the Recycling and Neutralization Exemptions Automated?

Yes, the recycling and neutralization exemptions have been automated for those facilities that claimed the exemption on their 1995 Annual Waste Summary Report. If you claimed the exemption but did not receive it, you must notify us in writing prior to the date the fee is due.

What if I Need to Change the Mailing Address for My Facility?

If the facility address or the contact person's name is incorrect, please provide the correct information in the space provided on the back of the coupon. All facility name changes or ownership changes must be submitted on company letterhead. Please include the account number in the correspondence.

Why Must I Return the Coupon with My Payment?

The payment coupon (the top portion of your bill) contains an optical character reader (OCR) line. When we receive your payment, a computer reads your account number from that OCR line. Without the original coupon, we must send your payment to another location for manual processing. That slows our processing of your payment and raises the possibility that your payment may not be credited to the correct account. The delay could also cause you to incur late penalties.

I Have More than One Account; May I Send One Check for the Total Amount?

You may send all your payments in one envelope, but please enclose a separate check for each coupon. If the number of checks does not equal the number of coupons, we will have to process your payment manually, and your accounts may not be credited correctly. It is extremely important that companies that pay for subsidiaries or other companies with different names submit each coupon and include the proper account number on the check or check stub.

If No Payment Is Due, Where Do I Send Correspondence and Forms?

The envelope enclosed with your bill is for payment only. If you are providing the TNRCC with information about your account, please address it to:

Texas Natural Resource Conservation Commission
Financial Administration Division, MC-214
PO Box 13087
Austin TX 78711-3087

For account balance information, contact the Financial Administration Division at the following telephone numbers:

For account names A-K: (512) 239-0366
For account names L-Z: (512) 239-0192



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